

**TRURO PLANNING BOARD**  
**Monday, September 15, 2014 – 3:30 pm**  
**Truro Town Hall**  
**Meeting Minutes**

**Members Present:** Leo Childs, Bruce Boleyn, Lisa Maria Tobia, Chris Lucy, Steve Sollog, Michael Roderick and William Worthington

**Others Present:** Charleen Greenhalgh, ATA/Planner

The meeting was called to order by Mr. Childs at 3:30pm.

**Continued Planning Board Discussion Zoning Matters:**

**Housekeeping Zoning Items**

Each Board Member was assigned two items to review for the meeting.

**§30.2 – Note 2:** *Relative to “Professional Office” - Why only 4 offices per lot allowed? There is a ZBA finding required, yet the use is permitted by right (not Special Permit Required.).* Mr. Worthington reported on this. He suggested that this be rewritten into 3 sentences as follows:

2. No more than four (4) offices per lot; **no more than** 20% lot coverage permitted, exclusive of parking. **Storage** of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited. **The Board of Appeals** shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.

Mrs. Greenhalgh questioned the ZBA requirement in that the use is permitted by right. A brief discussion ensued. Mr. Worthington suggested removing the reference to the Zoning Board of Appeals.

2. No more than four (4) offices per lot; **no more than** 20% lot coverage permitted, exclusive of parking. **Storage** of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited.

**§30.2 – Note 3: Relative to “Retail”** – *The note reads “May include arts and crafts created on the premises.” Is this note necessary?* Mr. Worthington reported that this note is already deleted from the bylaws at the 2014 ATM.

**§30.2 – Note 4:** *Perhaps this note should simply refer the reader to §40.5. Mr. Roderick suggested deleting the text in the note and simply reference Section 40.5. Note 4 currently states: “4. Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.” New language could be “4. Uses in this category are further subject to the special regulations set forth in §40.5, and the Planning Board shall serve as the Special Permit granting authority.”*

**§30.2 – Note 5:** *Is this legal? Or, is this something (the finding by the ZBA that “a proposed use is not injurious or offensive or tends to reduce values in the same district...” ) that the Town wants the ZBA to make a finding on?* The note currently states: “5. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.” Mr. Roderick discussed this with the Board. It is unclear if this is legal language. Is it within the authority of the Board of Appeals to make a finding relative to the reduction in value(s)?

**§30.2 – Note 6:** *Then how is it an “Accessory Use” if it is not located on the same parcel as the primary use.* Note 6 currently states “6. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.” Mr. Sollog discussed this and suggested that perhaps this note was inserted for a certain purpose. Perhaps removal of the last part of that sentence is in order. It was felt that each parcel would need to receive a Special Permit, regardless.

**§30.10 Signs:** *This is outdated and it doesn’t seem to be needed here.* This section currently states “The complete Sign Code for the Town of Truro, adopted February 20, 1967, and its subsequent amendments, is incorporated in this zoning bylaw.” Mr. Sollog suggested that this remain and be left as is.

**§30.2 – Note 7 –** *Very outdated.* Note 7 currently states “7. Customary or self home occupations as defined in §10.4, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public. Ms. Tobia discussed this. She suggested some more formal language, to include “for example”. Or perhaps this should be a definition. Mr. Worthington suggested that the decision from Tradesmen’s Park to look at the allowable uses.

**§30.2 – Note 9 –** *Can’t seem to find this in the table.* Note 9 currently states “9. Public Utilities.” Ms. Tobia could not determine where this note belonged. She will look back at old bylaws and take a look at the Board of Health Regulations.

**§40.1 Duplex Houses and Apartments –** *Item “C – ... may be created from any one single family dwelling...” this language may be restrictive in that it implies that an apartment is not to allow in a separate structures, such as an apartment over a detached garage.* Mr. Childs spoke to this. He suggested that this might be better suited as a separated article to provide for a dwelling unit in a separate building.

**§40.6 Growth Management –** *Expires December 31, 2016. Should we be looking at this now? What impacts, if any, will the Comprehensive Wastewater Management have?* Mr. Childs reported that the Board has already discussed this and will discuss it further next year.

**§50.1 – Note #4, §50.1.D and §50.1.E –** *Are these in conflict?* D and E currently read:

D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.

E. In those portions of the Beach Point Limited Business district served by the Town of

Provincetown Water System, buildings, including buildings for accessory use or cottages, on the same lot shall comply with the following minimum separations:

BUILDING CONFIGURATION	SEPARATION
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

Mr. Boleyn suggested that these are not necessarily in conflict, but there is a lack of understanding between these two notes. A brief discussion ensued. It was suggested that the difference in setbacks has to do with town water or not. Mr. Lucy suggested that the differences are due to the zoning districts where these uses are allowed (cottage colonies, etc.) Note D is for structures in zones other than the Beach Point district or on lots served by Town Water in the Beach Point District. Perhaps a rewording might be in order.

**§50.1.H** – *Why is this needed if there are height limitations?* H currently states: “H. Public accommodations shall not exceed two (2) habitable stories.” Mr. Boleyn will look this for the next meeting.

**§60.1.D** – *If the Building Commissioner declines to act, how or why would he then respond in writing? Is this in conflict with MGL c.40A?* Mr. Lucy suggests that the local bylaw provides that the Building Commissioner must reply. It does lead to the question, who can appeal?

**§60.6.A (2)** – *Check with MGL 40A as to whether “an officer of the Town” can appeal the decision of the Building Commissioner.* Mr. Lucy did call the Attorney General’s office to ask about a definition for “Officer.” He is not comfortable with the language; he would like to see more specificity, as to who has standing to petition or question a ruling.

Further discussion will continue at the next meeting. Each Board Member will bring additional information or proposed changes of text, etc. to the next meeting.

### **Cluster bylaw**

Mrs. Greenhalgh provided the Board with a variety of information on cluster zoning. Cluster developments promote more green space and lessen impacts. Mr. Lucy asked what the incentive is to do this. Density bonuses and/or Conservation Restrictions are types of incentives. Discussion ensued. Mr. Sollog is concerned with what Truro looks like and how this could be dangerous. Ms. Tobia asked if the Natural Resource Protection Zoning (NRPZ) can be tailored to Truro, to be more efficient with the land. Yes it can be. Mr. Childs is concerned about the length of the bylaws from the other communities; however the current Truro bylaw is perhaps too brief and may require additional language.

Mrs. Greenhalgh read from the NRPZ paper prepared by Jeff Lacy, *“To explain NRPZ, one must first understand conventional zoning in the context of residential subdivision. Subdivision in accordance with most local zoning is a process that involves creating roadway in order to generate the required lineal road frontage for each new houselot proposed, generally 100-300*

*feet/lot. In order to maximize development potential a great deal of new roadway must be designed and built. Besides frontage, each lot will require a minimum area, often 1-5 acres in suburban-rural settings. The end result is solely a grid of new roads and houselots. This is what one may do by-right, which is the easiest permitting regime. Cluster development, a better alternative, may be available by special permit, a tougher-to-get permit.”*

Mr. Lucy asked for examples from Brewster that the Board could look at. This will be discussed further at the next meeting.

### **Definition of Street and Frontage**

Mrs. Greenhalgh provided the Board with definitions of “Frontage” from other Cape and Island towns. Mr. Childs expressed that some of the definitions seem to be specific to perhaps certain circumstances in the towns. He liked the simple definition from Yarmouth. Mr. Worthington raised the concern with the use of the reference to MGL. Mr. Lucy stated that all of the definitions of frontage rely on the definition of street. Both terms would need to be defined. Yarmouth defines both terms. Mr. Childs suggested that there are two points of view here. MGL provides for the Planning Board to make that determination of the adequacy of a street. Truro has a unique situation where a number of streets are old. View 1 – a plan set in stone, View 2 – allow the Board to serve as the arbitrator. Mr. Childs felt that the Town is now at an impasse. He is in favor of developing a definition that would allow the Board to serve as an arbitrator. Mr. Lucy agreed. Over time there will be precedents established as to what standard a road/street should be built to. A number of lots exist now due to the inadequacy of a road, which are non-conforming and would require ZBA approval. He does not understand that argument that the Board would have too much power. Mr. Sollog suggested that the Building Commissioner is still in conflict with what relief is necessary in order to issue a building permit. It is in the best interest of the town to change the definition of street. Discussion to continue to next meeting. The Board members will be prepared to bring forward idea/suggestions for a definition of Street.

### **Set Date for Laura’s Way On-site**

September 23, 2014 at 3:30pm for an on-site.

Mr. Childs brought up the Office Hours that the Selectmen have. The Planning Board is invited to meet with them. Sept 17, 9-11 (Transfer Station), Sept. 20 1-4 (Farmers’ Market),

Adjourn at 5:00 pm

Respectfully Submitted,

Charleen Greenhalgh  
Acting Town Administrator and Town Planner